Presidential elections in México: Failed State, authoritarian restoration and citizen despair.

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Paper presented to:

IPSA 22nd World Congress of Political Science

Madrid 8-12th July 2012

Research Committee 23: Elections, Citizens and Parties

Abstract

The presidential elections of 2012 represent the twilight of an incomplete democratic transition, along which the "ancienne regime" power structures and actors survived: corporatist unions, monopolistic firms, vested interest networks within the State, corrupt political parties. The short-lived democratic spring ends up with an almost failed state, powerless before organized crime, whose limitations are the result of the incapacity of the entire political elite (including its professional and civil components) to lay the legal and institutional foundations of an operative democratic regime. Citizens, who live in a state of precariousness of rights, may delegate again power, in a desperate act, to the direct representatives of the old authoritarian regime.
Introduction

The 2012 Presidential elections are being carried out\(^1\) under unexpected conditions of intense competition between the PRI’s candidate, Enrique Peña Nieto, and the left-wing PRD’s candidate, Andrés Manuel López Obrador. Three weeks ago, it seemed that Peña Nieto enjoyed an unassailable advantage of more than 20%. However, the sudden emergence of a new social movement, the so-called “#YoSoy132” (#IAm132), a student movement with national ramifications, changed the political climate by creating a new critical and participatory attitude amongst university students. The movement concentrated in two issues: the monopolization of media (especially TV) -which means manipulation of information and lack of access for social actors to this area of the public space- and media’s open favoritism towards the PRI’s candidate. As a movement’s side-effect, the until then generalized assumption that Peña Nieto was the inevitable winner of the presidential election began to fade, and a new symbolic space of political competition emerged, giving the left-wing candidate a new opportunity to compete.

However, the very likeliness of the PRI’s triumph is a signal of the weakness and incomplete character of the short-lived transition to democracy in Mexico. It is necessary to understand why the transition’s end result was the mere pluralization of the political elite and not the starting point of a new regime.

The surprising weakness of civil society in Mexico has to be explained as well. After more than a decade of powerful national mobilizations along the struggle for electoral democracy (1988-2000), civil society seemed to retreat to the sidelines of the political process. Civil society is fragmented politically in multiple sectors, each one with a specific agenda, without conscience of the need to push forward a profound set of constitutional reforms, aimed at the deconstruction of the old regime and the simultaneous development of the legal and institutional foundations of a new one.

In the following pages I present an explanation of the current political crisis in Mexico and the challenges democratic transition confronts. In order to do so, I develop first a brief theoretical argument about the nature of political transition; secondly, I bring forward the structural characteristics of the authoritarian regime, and a discussion about why most of them survived notwithstanding the modernization and urbanization of the country; finally, I characterize the present situation and analyze the most likely scenarios.

Some theoretical considerations

The problems of democratic institutional consolidation and the weakness of both civil society and the cultures and practices that could push democratic innovation in Mexico require an explanation that considers both the legal and institutional obstacles that democracy confronts and the cultural processes that allow old values, practices and methods of politics to survive.

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\(^1\) This paper has been written as elections developed, two weeks before citizens go to the polls.
Existing literature on transitions to and consolidation of democracy has concentrated mainly on the institutional frameworks of politics and the power games of political elites, ignoring both the normative learning processes democratization entails and the emergence of social actors whose practices and cultures are the only guarantee of long-term, substantive democratization. From the vantage point of these theories, transition to democracy in Mexico is a finished process (insofar as free elections have characterized the past two presidential elections) and democratic consolidation has been achieved insofar as it seems that “democracy is the only game in town” (Linz and Stepan, 1996, p. 7). But elections can be carried out continuously without necessarily serving to develop citizenship or improve the quality of democracy. Even if we agree with Whitehead (2002) in understanding democratization as “…a long process of social construction” (p. 6), we still have to explain what concept of democracy we are thinking of, what actors we look at and what processes we analyze when we speak of democratization.

Avritzer (2002) has demonstrated that theories of transition to and consolidation of democracy share a common dual foundation: a sociological vision based on a diagnosis of “mass society”, which implies an analytical separation between a disordered and anarchic society and a political system whose autonomy from that society is its very condition of stability; and a minimalist concept of democracy defined solely in terms of the legal and free election of political representatives. It is not possible, within this theoretical framework, to explain the limits of actual democracies or to locate the actors and processes that may further the democratization of public life and the transformation of political culture. A more comprehensive concept of democratization requires a broader concept of politics as well as a better diagnosis of society.

The elite democracy approach shares with the still hegemonic neoliberal project a concept of politics that defines it as the exclusive terrain of political parties and governments. Social movements, protest and mobilization belong to the sphere of the “non-political”, being a mere expression of conflicts that must be channeled to the political system to be processed; if they remain active outside the system, they become dangerous and must be “criminalized.” Against this reductive paradigm a different concept of politics has emerged in Latin America in the last two decades, a concept whose main feature is its consideration of conflict and contestation as the center of politics. Social movements (and more generally, civil society in its heterogeneity) are political actors in the sense that they try to open up the closed space of electoral politics by calling public attention to new issues and demands, developing forms of social control over governments, and creating public spaces

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2 For a complete theoretical discussion of this issue, see Avritzer, 2002; for an analysis of the debate on the construction of democracy in Latin America see Dagnino, Olvera and Panfichi (eds.), 2006.
3 This is the argument of the influential “informe” coordinated by O’Donnell (2004), La democracia en América Latina, which correctly locates the weaknesses of citizenship in Latin America but fails to offer an explanation of such a drama. For a critique, see Dagnino, Olvera and Panfichi, op. cit., introduction.
4 The burgeoning literature about the “quality of democracy,” in its different versions, evaluates the difference between the formal and legal foundations of democratic regimes and their practical shortcomings in terms of citizen rights, institutional performance and effectiveness of public policies. See O’Donnell, Vargas and Iazzetta (coords.), 2004, and Cansino and Covarrubias (coords.), 2007.
5 For a throughout discussion of this point, see Dagnino, Olvera and Panfichi, op. cit.
6 This is a very common expression in Latin America today. Governments “criminalize” social protest by not recognizing its legitimacy or its legality. For a complete analysis, see Svampa, 2008.
of civil participation in the definition, implementation and evaluation of public policies. Social, ideological and cultural conflicts can be recognized, debated and resolved democratically through deliberation in public spaces (Avritzer, 2002). Deliberation implies a process that connects civil and political society in a continuum of practices centered in publicness, transparency and participatory decision-making in various areas of public policy. This is the core of what can be labeled the “democratic participatory project.” From this vantage point, the main spaces of democratization are the practices and institutions that define the relationships between state and society.

This perspective helps us to understand what is at stake in processes of democratization: political projects whose carriers are actors situated in both spheres, that is, political and civil society. Against the elite democracy school and the transition and consolidation theories, which radically separate political society from civil society, this vision of democratic construction underscores the continuity of these spheres of social action and the fact that the struggle for hegemony is fought in both civil and political realms.

However, this being said, a fundamental problem remains: is there something in between civil and political society? Non-organized social actors can be labeled members of a civil society? The so-called “political society” is reduced to formal members of political parties, professional state bureaucrats and local or intermediate political leaders? If it were so, civil and political society would refer to a small minority of population, and then politics would be quite a limited social practice.

However, if something we know from the Latin American experience, especially in countries where popular sectors are numerous and marginalized, is that they are forced to practice politics as a matter of survival. They cannot give themselves the privilege of not doing politics. In order to get access to the new wave of “focalized social policies”, most of them need to appeal to state institutions, to political mediators or to local agents of political parties. To get the attention of state agencies in charge of basic services, the poor have to stage mobilizations, given the incapacity of those agencies to do the work by themselves, or given the scarcity of money and/or personnel; to defend their natural resources (water, land, etc.) and to protect their communities from the threat of crime, they have to organize their communities, fill in petitions and even contact the media.

All of the above are forms of practicing politics, the politics of daily life. This forms of politics are all the more necessary because citizen rights are more declarative than real. The “hiper-mobilization” of popular sectors in countries like Mexico, Peru, Ecuador, Bolivia and Venezuela indicates that normal politics go beyond the formal electoral processes and the institutionalized spaces of participation. Partha Chatarjee (2004) has called, a bit confusingly, “political society” to this vast array of forms of collective action that popular sectors put into practice in conditions of absence of effective rights and institutional procedures to deal with social conflicts and demands. But obviously, this “political society” is quite different from the political society we referred to above.

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7 For a presentation of the concept and the types of political projects that dispute hegemony in Latin America today, see Dagnino, Olvera and Panfichi, op. cit.
8 For an analysis of concrete experiences of innovation in state-society relationships in Latin America in recent years, see Isunza and Olvera (coords.), 2006; Isunza and Gurza (coords.), 2010.
Therefore, a more comprehensive concept of democratization has to take into account that the struggle for political projects is one dimension of a long-term process in which state institutions and society are built simultaneously. Charles Tilly (2007) considers, for example, that the development of democracy and the construction of state capacities are simultaneous processes. (Electoral) democracy without state capacity is always partial, fragmented, fragile. Another form to put it is to correlate civil liberties and political rights. State capacity in a democracy means the ability to extend rights to the majority population, not discursively, but by means of operative institutions. That such institutions develop in each country depends on complex historical processes that may occur or not. A similar argument is offered by Laurence Withehead (2002); for him democratization entails the construction of a democratic state, meaning by this the rule of law and operative institutions that regulate the market, control criminal groups and establish accepted rules to access power positions. Again, this is a long process that extends in time depending on specific historical conditions in each country.

Joel S. Migdal (2001) thinks, in a way closer to the concerns of this paper, that states are a part of society. There is no separation between them, but a common history. That is why Western liberal-democratic constitutions and institutions work quite differently in each country. The actual functioning of a “democratic state” depends on the shared history societies and states have experienced in the long term.

Because of these concerns this paper offers a historical explanation of the formation of the authoritarian PRI’s regime as a necessary step to understand the obstacles to democratic transition in Mexico.

**Foundations and Crisis of the Mexican Authoritarian Regime**

The long-lasting Mexican developmental-authoritarian regime was anchored in a corporatist model in which society was integrated into the state by means of state-controlled social corporations, which were at the same time the main components of the sole official party. Corporatism promoted a culture of clientelism and segmentation in the application of rights. The formal democracy prescribed in the 1917 constitution was in open contradiction with the single-party political system, creating a rupture between legality and legitimacy. The regime’s legitimacy was based on its historical mission: to promote substantive justice through state promotion of economic modernization, which encouraged massive state intervention in the economy and official patronage of the business sector.

To guarantee governability, the regime developed informal but effective means of centralization of power in the hands of the president, which in turn required a weak legislative branch. This was achieved by mandating a short (three-year) tenure for federal

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9 The workers’ corporation (CTM), the peasants’ corporation (CNC) and the “popular” corporation (CNOP) were the backbone of the official party, the PRI.

10 The regime claimed to be the carrier of a mission: the implementation of the project of the Mexican Revolution, seen as a combination of national sovereignty, political inclusion, social justice and state-led economic development.
and state deputies, without reelection. The “no-reelection principle” applied to all elected posts, such that the political class was in a condition of permanent rotation and uncertainty.\textsuperscript{11} As a consequence, in Mexico elections were held all the time, whose only function was to legalize the periodical renovation of the political class. The judiciary, moreover, was completely subordinated to the president’s will.

After 1968, the Mexican authoritarian regime experienced increasing problems of legitimization in the wake of the massive repression of the student movement (Volpi, 1998). But it was the presidential election of 1988, in which massive electoral fraud was carried out by the government, which launched the prolonged process of democratic transition. The massive protests of the time fed the emerging opposition parties and forced the regime to accelerate a process of internal reform (Olvera, 2003a).\textsuperscript{12}

In the period 1988-1994, three fundamental changes took place in Mexico. First, the turn towards neoliberalism that President Carlos Salinas actively strove for led to profound changes in the economy. The neoliberal turn deepened the legitimization crisis of a regime whose historical project was nationalist, anti-liberal and anchored in the promise of substantive social justice. Second, for the first time since the Revolution, a party system consolidated and electoral politics appeared as a potential means for regime change. Third, several civic-cultural movements spread across the country, creating a civil society centered on the struggle for political rights, democracy, and the rule of law.

Neoliberalism meant opening the doors to three great transformations: the integration of the Mexican economy with that of the United States, with Mexico as a subordinate partner; the privatization of public enterprises; and several amendments to the constitution intended to purge it of its anti-liberal substance\textsuperscript{13}. In the political sphere liberalization was modest. The federal government retained the ability to recognize (or not) opposition victories, and campaigns were openly unequal, with the official party controlling all resources. Only after complex and prolonged negotiations were some opposition victories accepted. Thus the Partido Acción Nacional (PAN), the historical right-wing party that had been since 1938 a sort of testimonial opposition, obtained for the first time in history three governorships and dozens of mayoralities,\textsuperscript{14} whereas the recently-created left-wing party Partido de la Revolución Democrática (PRD) had to stage enormous popular mobilizations to defend its victories in municipal elections.\textsuperscript{15}

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  \item[11] The “no reelection principle” is heavily legitimized by the narrative of the Mexican Revolution: officially, the revolution was an uprising against the dictatorship of Porfirio Díaz, who stayed 30 years in power (1880-1910).
  \item[12] A modest process of liberalization had begun early on, in the 1970s, when President Luis Echeverría allowed the emergence of independent class-based civil society organizations; in 1977 the first of a long chain of electoral reforms was launched to allow the Left to participate in what were still non-competitive electoral processes, guaranteeing it at least a modest proportional representation.
  \item[13] Between 1988 and 1994, 54 constitutional amendments and 225 amendments to secondary or regulatory laws were enacted. It was a virtual process of constitution-making.
  \item[14] The PAN acted pragmatically, backing all the constitutional reforms promoted by President Salinas.
  \item[15] In mid 1989, the PRD was created through an alliance between communists, nationalists, social democrats, and social movement activists, all under the charismatic leadership of Cuauhtémoc Cárdenas, son of one of
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The Mexican Transition to Democracy

Mexico’s transition to democracy was a prolonged process of permanent electoral reform characterized by (often violent) post-electoral conflicts, most of them in the period 1986-1995. The incremental nature of this process allowed opposition parties to become, during the 1990s, national electoral machines with competitive power vis-à-vis the official party. Electoral laws and institutions became the main focus of national debates and political negotiations monopolized by political actors. Up to this point, the Mexican transition had fit the rational-choice model in which the authoritarian elite negotiate with the democratic opposition the path to democratization. But the turning point of the process, the electoral reform of 1996, was the result not of the democratic elite’s strength, nor of the mobilization of a national pro-democratic civil movement, but of the regime’s fear of both the political radicalization of the popular sectors, desperate in light of the effects of the terrible 1995 economic crisis, and of the recently emerged Zapatista Army of National Liberation (EZLN). Trying to channel popular discontent towards the electoral field, President Ernesto Zedillo (1994-2000) agreed to lift government control over electoral institutions and to grant public financing to political parties in order to level the ground for political competition.

The 1996 Federal Electoral Law represented a mayor breakthrough insofar as, for the first time, it gave true legal and political autonomy to the entity in charge of organizing elections, the Federal Electoral Institute (IFE). The IFE was given a steering committee composed of nine “electoral counselors”, all of them politically independent professors or recognized professionals. At the same time, a new social policy was implemented that was designed to deal with extreme poverty, and in this way to avert massive protest. The “targeted subsidies” reached poor families by means of a program called PROGRESA.

The elections of 1997 were the first to be carried out under the new law, and resulted in a “half-transition to democracy”. First, elections for the “Chief of Government” (an office akin to governor) of the federal district of Mexico City were held for the first time in sixty years, with the winner being Cuauhtémoc Cárdenas, leader of the PRD. The Left thus conquered a stronghold of utmost importance. Second, for the first time in seventy years, the PRI lost its absolute majority in the Chamber of Deputies. Suddenly, one of the pillars of the old political system, presidential control over the legislative power, was gone. This new situation exposed the legal precariousness of the formerly uncontrolled presidential power in Mexico. Indeed, according to the constitution, the president does not have real

16 The pro-democratic movement will be analyzed in the next section.
18 For a suggestive analysis of the role of the EZLN in this process, see Trejo, 2004.
20 On the program PROGRESA, see Valencia 2005
veto power over legislation, and lacks a legislative capacity of his own (minimal authorization to issue decrees).

His control over the governors, meanwhile, was mostly informal, and was diminishing insofar as a growing number of them were now opposition leaders. President Zedillo himself had promoted early on, in 1995, a profound reform of the Supreme Court, whose past (and obedient) members were retired and new ones named by the legislative power, giving the Supreme Court for the first time true autonomy from the executive power (Magaloni and Zepeda, 2004). The political class came to realize that the so-called “absolute presidency” in Mexico was of meta-constitutional character. However, President Zedillo still had control of the Senate, and the executive branch still held control of almost 80% of both the public sector’s revenue and expenditures, an inheritance of the time of almost absolute centralization of power in the hands of the president. However, step by step, President Zedillo negotiated with the PAN the relative decentralization of public spending, a process that led to the empowerment of state governors (Díaz-Cayeros, 2004).

In the elections of 2000, the PRI, weakened by the loss of control of electoral institutions and the decentralization of power, lost the presidency for the first time in seventy years. The candidate of the PAN, Vicente Fox, was elected president. But the democratic breakthrough was not complete even in electoral terms. First of all, local elections were still organized by “state electoral councils”, most of which were controlled by governors. Not surprisingly, virtually all the really competitive local elections up to 2005 ended up being decided by the Federal Electoral Tribunal, an institution created along with the IFE in the early 1990s, which slowly gained both autonomy from the government and recognition from the parties. There was a difference, of course, from the era of massive post-electoral protests (1986-1996). Now the parties accepted the established legal procedures, but political conflicts were still expected in almost every local election. The so-called “judicialization” of electoral politics meant that the informal pact the parties had reached at the federal level was not extended to local politics. In a federal republic, such a situation called into question the profundity of the democratic transition.

The composition of the party system led to diverse governability problems. Indeed, the results of the 2000 presidential and congressional elections prolonged the stalemate experienced since 1997: the impossibility for the president to build a parliamentary majority. The party system’s composition was as follows: three major parties (already mentioned), with around 30% of the votes each, and three minor parties, with very local and specific clienteles. The Green Party (Partido Verde) was (and is) a family business, a small organization with no background in the environmental movement, whose main merit was the early monopolization in Mexico of the international “green prestige.” The Green Party allied with the PAN in the 2000 elections, and with the PRI in the 2006 elections. It has also been the PRD’s ally in some local elections. This opportunistic policy of alliances

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21 For an analysis of party strategies and electoral institutions in the Mexican process of democratization, see Eisenstadt, 2004.
22 Vicente Fox, the PAN’s candidate, won the presidential election with 38.23% of the valid votes, whereas the PRI’s candidate had 36.9%, and the PRD’s 18.69%. The president’s party obtained 42.1% of the seats in the Chamber of Deputies, and the PRI 42.2%, the proportions being inverted in the Chamber of Senators. The PRD was left with barely 10% of the seats in both chambers (Aziz, 2007).
has been instrumental in order for the party to keep its legal recognition and, therefore, its public financing. The Workers’ Party (Partido del Trabajo) emerged twenty-five years ago as a small leftist party, which later allied with the neoliberal president Salinas. From 1997 on, the PT allied with the PRD consistently, without risking going to national elections alone. It is not clear what its clientele is today (if any). Convergence for Democracy (Convergencia) is an extended-family business based mainly in the state of Veracruz. Local politicians whom the PRI does not support in elections are picked up by Convergence. Since the 2000 elections, Convergence has been the PRD’s most trusted ally. It is unclear how many votes these small parties may be able to attract by themselves (Loaeza, 2007). The lack of agreements amongst parties since 1997 has led to the impossibility of building a workable majority. The only viable agreements have been ad hoc and temporal.

Vicente Fox seemed to understand that in order to complete the transition, the legal foundations of the authoritarian system had to be removed and the bases of a new democratic governability had to be laid. On February 5, 2001, President Fox called for the drafting of a new constitution. But the very constitution of 1917 prescribes a United States-style system called “permanent constituent power” (constituyente permanente), which means that a constitutional amendment needs 2/3 of the votes (“qualified majority”) in both chambers, and 2/3 approval by state legislatures. This system, under the authoritarian regime, allowed the incumbent president (who controlled both federal and state congresses by means of the PRI) to push forward the constitutional amendments he considered necessary. But in the new political correlation of forces, the construction of a qualified majority was almost impossible, given that a PAN-PRD pact was insufficient for that purpose (and unlikely given the ideological divide), and a PAN-PRI pact was unlikely (after the neoliberal agreement), given that the PRI wanted to preserve the old regime’s remaining institutions. The political stalemate was further compounded by the results of the 2003 congressional elections, given that the PRI increased its veto power.

The few reformist political actors remained isolated in civil society. Some of them worked together and developed a program called “Reform of the State”, which comprised a vast collection of proposals for reforms in many areas: A French-style system of executive government (a president plus a prime minister), which was seen as more adequate for a multiparty political system; the reelection of mayors and deputies; the legalization of “independent candidacies” to elected posts in order to circumvent an electoral law that favors the monopoly of politics in the hands of the registered parties; changes in the judicial system to allow for “oral trials” and to clean up a slow and corrupt system; new rights for women, indigenous peoples and youth; new rights of access to information and new institutions for the promotion of transparency; a new media law (covering television and

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23 This “supermajoritarian” system of constitutional change has worked in the United States as a guarantee of constitutional stability by making it almost impossible to amend the constitution without a strong national consensus (Eisgruber, 2001). But in the authoritarian Mexican regime it has worked in exactly the opposite way.

24 See note 11.

25 The PAN lost votes, getting this time only 30.7% of the total, whereas the PRI kept its share of 36.6% and the PRD obtained 17.6%. Without the “Fox effect,” the PAN returned to its more or less normal share of 30%. Absenteeism reached 59%, against 36% in 2000.
radio) in order to establish effective public regulation of broadcast media; the creation of a “Professional Career Service” in the public sector; etc. Lack of ideas was not the problem in those years.²⁶ The problem was that it was impossible to push the reforms through the political system.

The tragedy of the Mexican transition, which in formal theoretical terms ended after the 2000 election, was twofold. On the one hand, opposition to the authoritarian system was divided between in two radically opposite parties, one on the Left and one on the Right, whose leaders were completely blind to the historical opportunity (and urgent need) to build an alliance to carry out the political transformations required to consolidate democracy and to guarantee governability. On the other hand, the PRI retained veto power over constitutional amendments and the control of multiple authoritarian enclaves that populated both society and politics. The PRI still held the majority of state and municipal governments, as well as control over union and peasant corporations and influence over the rank and file bureaucracy. Moreover, the PRI governors and regional caciques were (and are) the carriers and beneficiaries of a dense web of agreements with the “de facto powers”, that is, the national and regional media, entrepreneurs, and even criminal organizations.

From a rational-choice theory point of view²⁷, the transition was too limited in two senses. In terms of the destitution of the authoritarian system, the old regime’s legal and institutional infrastructure remained untouched and its political power was enough to survive both as an institution and as a culture in society and in politics. In terms of the establishment of a democratic regime, the process was mostly blocked insofar as it was not possible to change the authoritarian constitution, nor most public policies and programs.²⁸ The pacts between the federal government as an institution and both the union corporations and most of the de facto powers remained in place by inertia, in a context of increasing fragmentation of political power.²⁹

The federal and local elections carried out between 2000 and 2006 had as a central feature the unfolding of a very negative process: as long as all the parties got a share of power (at municipal, state or federal levels), all of them made use of the resources, programs and means of influence now under their control to create their own clienteles networks. Instead of the emergence of the new political practices the PAN and the PRD had promised to promote, the PRI’s methods and culture were generalized. Indeed, the very weakness of the former opposition parties in most states forced them, in order to be locally competitive, to attract local former PRI leaders, who brought with them networks, resources and clienteles. The PAN and PRD, being small and relatively new national parties, lacked the capacity to develop their own networks in most regions of the country. They had no option but to receive former PRI cadres, but this practice meant the reproduction of clientelism, electoral manipulation and pacts with the local de facto powers, precisely the political illnesses the

²⁷ See Przeworski, 1992; Cansino, 2000.
²⁸ For a complete theoretical discussion of this issue, see Cansino, 2000.
²⁹ An unexpected outcome of the partial rupture of the old regime’s pacts with some de facto powers was the worsening of an internal war between drug cartels as well as a war of all of them against the state, an ongoing war that has caused thousands of casualties (Astorga, 2005).
democratic opposition was supposed to cure. The reconstruction of the links between legality and legitimacy achieved through legal and credible elections was undermined by the generalization of the old regime’s electoral practices and political culture.

Given the centrality of elections in the fragile process of democratization, the IFE, benchmark of the democratic transition, should have been protected from partisan and government pressures. However, the parties managed to achieve precisely the contrary in 2003, with the designation of new “electoral counselors” at the conclusion of the seven-year term of the previous counselors. The PAN and the PRI had been hit in 2001 by extremely heavy fines imposed by the IFE due to the fact that both parties used illegal financing schemes in the presidential elections of 2000. These parties decided they did not care for such independent, high-profile counselors who did not hesitate to punish parties for their legal transgressions. They opted this time for low-profile, less open-minded counselors, even though this decision represented the institution’s symbolic and political weakening. Even worse, the PRD insisted on the reelection of one of the former counselors and ultimately did not participate in the selection process. As a result, the new counselors not only were low-profile, but also carried a problem of legitimacy from the outset of their tenure.

The Mexican transition to democracy, because of the above mentioned reasons, was limited, in practice, to the political pluralization of the ruling elite. A transition without a pact, as in the Mexican case, implied a high degree of continuity with the past. The absence of relevant changes at the constitutional level blocked the creation of spaces of innovation. The monopolization of politics in parties’ hands limited both civil society’s influence over (and interaction with) the political system and civil society’s capacity to control the state’s action (or lack thereof). The fact that none of the main political parties represented a new political culture, but rather the rescue or reproduction of old political projects (PRD), an outdated version of conservative thought (PAN), or even worse, mere political opportunism (PT, Convergence, Green Party), meant that the new political elite could not be a bearer of democratic innovation.

The only exception to this conservative trend was a legal reform that turned out to be important due to its promotion of elements of a new language of rights. In late 2003 the Chamber of Deputies unanimously approved the Federal Law of Transparency and Access to Public Information. Some states had already approved laws of access to information, taking a lead in the weak area of democratic innovation. In order to guarantee the citizens’ right to information, the law created an independent agency, the Federal Institute of

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30 For the PRD, see Sánchez, 1999 and 2001; for the PAN, see Middlebrook (ed.), 2000.
31 This fact has been demonstrated by the research carried out by civil organizations and by the UNDP during the 2006 presidential elections (UNDP, 2006; Alianza Cívica et.al, 2006), and by the Council of Social Policy in 2005, which commissioned a poll in four states, governed by different parties, in order to find out if the targeted subsidies to poor people (PROGRESA) had been utilized in clientelistic manipulation (COLMEX-FUNDAR, 2006). Even though the percentage of likely manipulation was not impressive (6 to 12%), the fact matters much in a context of competitive elections.
32 The PRI had illegally received 80 million dollars from the oil workers’ union. The PAN created a scheme that allowed Vicente Fox to receive almost 50 million dollars from private donors, circumventing electoral law. The only punishment for these crimes was a multi-million dollar fine to both parties. No one was indicted or legally condemned (Crespo, 2004).
Transparency and Access to Information (IAFI), the leadership structure of which, composed of five “commissioners,” was modeled after IFE’s directive council (Ackerman, 2007a). The law has met with much resistance from municipal governments, political parties, and the legislative and judicial branches. Nevertheless, important cultural and political changes could take place in the long run if the new law is enforced.

President Fox’s tenure was marked by his failure to transform “politics as usual,” but also by economic stagnation. The GNP grew only an average of 2.1% a year in a time in which Latin America as a region grew over 5% a year. Incredibly, slow growth coincided with historical increases in currency derived from higher oil prices and seemingly ever-increasing remittances from Mexican migrants in the United States. So the loss of opportunity was not only in the political field, but in the economy as well. Fortunately enough, the Mexican recession coincided with rapid expansion in the United States, which meant jobs for up to three million Mexican migrants. Without this “escape valve,” the social crisis provoked by unemployment may have had unpredictable political consequences.

The 2006 Political Crisis: Obstacles to Consolidation

The 2006 elections of president, federal deputies and senators complicated the precarious process of democratic consolidation. The election was marked by a profound polarization of political forces. Early on, the leading presidential hopeful was PRD leader Andrés Manuel López Obrador, Mexico City’s Chief of Government. In 2005, President Fox, supported by the PRI, tried to bring López Obrador to court, allegedly because he had bypassed a Supreme Court order, which, under Mexican law, opened up the legal possibility of a “desafuero,” a process akin to impeachment. The PRI and the PAN considered this an opportunity to get rid of the popular politician. However, this move proved to be a serious miscalculation, because most citizens saw it as an illegitimate way of forcing the Left’s leader out of the presidential competition.

The PRI and the PAN went through painful processes of internal primaries, thus appearing divided shortly before the presidential election. López Obrador was by far the front-running candidate all the way until one month before the election. But he made unbelievable mistakes, and President Fox, powerful entrepreneurs and a sector of the media launched an impressive campaign against him. The end result was a close election, in which Felipe Calderón, the PAN’s candidate, won by a margin of 0.5% (35.89% against López Obrador’s 35.31%). The PRI suffered a collapse, falling to only 22.26% of the votes, having lost 4.5 million votes relative to the 2000 elections. On the contrary, the PRD won 8 million additional votes, a historical 18% increase in six years (Aziz, 2007).

López Obrador did not accept the results of the presidential election, but did not dispute those of the deputies’ and senators’ races. Certainly, the IFE made several mistakes during 33 In the first three years of its application, the new law allowed the presentation of 159,639 petitions of information, of which 88.9% were addressed. The process is being replicated in all the states (Alonso, 2007). 34 The problem was that the city government had not obeyed a Supreme Court order to pay a stratospheric price for an expropriated urban lot. López Obrador lost in legal terms, but managed to win the public opinion battle and even to force the Supreme Court to revise its own decision, which was certainly unjust.
the electoral process. There were thousands and thousands of electoral acts with “mathematical errors” which had to be corrected the day of the “official recounting”, which always takes place two days after the election. But the IFE only allowed a few of these acts to be revised and corrected. The PRD appealed to the Federal Electoral Tribunal, which ordered the revision of 12% of the acts. The recount changed only marginally the final results, the arithmetical errors being distributed more or less evenly between parties. Therefore, after almost three months of debate, the Federal Electoral Tribunal decided that the presidential elections of July 2006 were valid and legal.

During this prolonged legal process the PRD occupied the main streets of Mexico City’s center, a strategy that altered the life of many ordinary citizens for weeks. In a massive popular meeting in the city center, dubbed the “National Democratic Convention,” López Obrador took oath as “Legitimate President”, and named a group of high-ranking officials who formed the “Government in Rebellion” (Tamayo, 2007). The PRD’s deputies and senators, as well as those of the PRD’s allies, the Workers Party and Convergence, which had formed the “Coalition for Everybody’s Welfare” (Coalición por el Bien de Todos), decided not to recognize Calderón as president.

The radical and antisystemic character of the PRD’s protest backfired. Most people rejected the occupation of the streets. López Obrador’s radical discourse, calling President Calderón “puppet,” “illegitimate,” etc., was considered inappropriate; the calling of “Conventions” in which only López Obrador spoke, and in which “decisions” were made by acclamation, were seen as disturbing demonstrations of the leader’s tendencies toward the personalization of politics (Cansino and Covarrubias, 2006). The PRD’s major strength and its worst weakness were the same: López Obrador. The leader was the only factor of unity in an otherwise fragmented party. But at the same time, the extreme personalization of the Left in the person of its leader further deepened the PRD’s deinstitutionalization, its lack of a political program, and its isolation from civil society (Olvera, 2007).

Once Calderón took office on December 1, 2006, a slow process of normalization began. The Coalition’s parliamentary groups started to work as usual, even without recognizing Calderón, and thus the political process went on.

Once secure in office by mid-2007, Calderón and the PAN started their own internal civil war. The PAN’s national leader and most of its deputies and senators had been named by former president Vicente Fox. Calderón made it his priority to recover control of his own party. He distributed government posts on the basis of personal—not party—loyalty, with no concern for capacities or experience. The resulting government was characterized by its dramatic political and operative incapacity. Yet Calderón did in fact achieve control of the PAN in late 2007, when the party’s internal election took place. Now the PAN was, as in the time of the PRI, simply the president’s party.

The PRI came out of the terrible defeat more divided than ever. Several “power centers” emerged, including the federal parliamentary coordinators, the governors, the formal party

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35 Electoral acts: The documents recording the official results of each polling place.
36 José Antonio Crespo, Mexico’s leading electoral analyst, considers that the accounting errors in the acts were so great that we cannot possibly know the true results (Crespo, 2008).
leader, and the union corporations’ leaders. Notwithstanding its weakness, the PRI became the true center of power. Given that the PRD refused to negotiate with the government, the PRI was the president’s only potential ally.

In order to bring the PRD to the negotiation table, the PAN and PRI agreed on the change of electoral counselors, especially and immediately IFE’s president, Luis Carlos Ugalde, whom the PRD blamed for the “electoral fraud” it had supposedly suffered. In order to do this, the Federal Electoral Law was amended in September 2007. Under the former law, the counselors were designated for a seven-year period, whereas as of 2007 their terms were reduced to four years. This destitution was illegal and created a negative precedent: “inconvenient” electoral counselors could be changed at will by parties, thereby destroying the foundation of the electoral institutions’ autonomy. Following this example, in the past six years commissioners of institutes of transparency and access to information and counselors of local electoral institutes have been removed and the legal and operative capacities of the institutions weakened in several states.

The current situation has been worsened by a new crisis within the PRD. In March 2008, elections were held for president of the party as well as all state and even municipal party authorities. The election was riddled with all sorts of fraud. If the PRD as a party had until then preserved some moral authority, this process exhausted it.

This unfortunate sequence of events deepened political polarization in Mexico and compromised the very consolidation of democracy. By rejecting the IFE’s and the Federal Electoral Tribunal’s decisions in 2006, the PRD jeopardized the institutions of the democratic transition. By colonizing the institutions that are supposed to guarantee citizens’ rights (IFE, IFAI, human rights commissions), all the parties undermined the few democratic innovations that developed in Mexico during the transition.

**Violence, the PRI’s electoral recovery and the dedemocratization process.**

A different type of blow, albeit decisive, to the transition process, has been the dedemocratization process that has taken place in almost all the states of Mexico. Several factors explain the deconstruction of the scarce advances achieved in the years 2000-2006.

In the first place, the irruption of criminal violence in most of the country. From 2007 on, the federal government launched an offensive against drug cartels in several states, those where violence was widespread at the time (Michoacán and Chihuahua). As it is well known, the medium-term result of this decision, taken as a political necessity to legitimize the new government of President Felipe Calderón, was the generalization of criminal violence to half the country, and the rise, year after year, of the death toll of the new strategy. In 2007, 2,766 deaths were attributed to the “drug war”. It was the first year in

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37 This is precisely what happened in 2008 in several states: Jalisco, Querétaro, the state of Mexico and even Mexico City. The political autonomy of electoral institutions has been compromised by this trend (Granados Chapa, 2008). See Olvera, 2010

38 For five months there was no legal winner and the dispute was fought in the Federal Electoral Tribunal. Finally, the internal elections were declared invalid.
which criminal violence increased, after decades of slow but constant decreases. There were 6,833 deaths in 2008, 9,604 in 2009, 15,263 in 2010 and 16,603 in 2011 (Guerrero, 2012). Ciudad Juárez, a city of one million inhabitants situated in the border with Texas, became the most dangerous city in the world in 2009 and 2010. Such statistics are comparable to those of a country in civil war. Even worse: half the death people have not been identified, and no more than 500 cases have been taken to the judicial system (ibid). More than 10,000 persons are “disappeared” (most of them kidnapped) and at least 150,000 have been forced to leave their hometowns due to violence.

There is no accepted interpretation of this humanitarian crisis. The war against drug cartels fragmented the formerly centralized organizations and forced them to fight a war for the control of territories in most of the country. Along the process, it became clear that the cartels have corrupted most local police forces and created alliances with local entrepreneurs and politicians. The enormous frequency of elections and the increasing cost of electoral campaigns facilitated the links between criminal leaders and local politicians. The effects of the economic crisis in 2009 (the NGP decreased 6% that year) forced numerous entrepreneurs to accept credits and investments from illegal sources.

The weakness of the state as an institution is now clear. The dispersion of police forces and their lack of institutionalization and of professionalization became burdens impossible to fix in the short term. The unbelievable incapacity of the Procuradurías (the prosecutors) led to the factual impossibility to investigate most crimes. The generalized corruption of the judiciary added the last step in the colonization of the state by crime. Both the federal and state governments were unable to tackle the power of criminal organizations, which were divided but more powerful than ever.

The effective decentralization of political power due to the weakness of President Calderón, who had no majority in parliament nor way to build stable coalitions, was a direct way to the reconstruction of authoritarianism in local governments. Governors were now free to do as they wish, given that the federal government had no instruments to force them to be accountable. Governors received an increasing share of public funds without any political obligation to follow formal or legal rules of distribution and investment of public funds. Governors of all parties became sort of “temporal local emperors” with no formal or political controls. They managed to colonize electoral, human rights and pro-transparency local institutions (Olvera, 2010). Most of them learned to control even opposition parties.³⁹

By 2009 the power of local politicians helped the PRI to win several new state governments and most deputies’ seats in the federal election. It seemed that the road to complete restoration was paved and clean. The local elections of 2010, in which nine states would elect governors, seemed the perfect moment for the PRI to recover the control of virtually all the country. In order to do so, the PRI invested gigantic amounts of money and the local governments forced most public workers to perform actions in favor of the PRI’s candidates. Virtually all the electoral regulations so hardly fought for in the previous ten years were violated. The desperate situation forced the Partido Acción Nacional (PAN) and the Partido de la Revolución Democrática (PRD) to form a coalition in three states (Oaxaca, Puebla and Sinaloa), something impossible to even consider one year before. The

³⁹ For an analysis of this process, see Olvera, 2012.
play worked, because, against the odds, the coalition won in the three cases. Popular discontent with the PRI governors was much more widespread than thought. Even where the PRI won (six states), it did it badly.

However, the lack of accountability in local governments remained as usual, and the few pacts the local and federal governments have agreed upon in matters of criminal justice (the Reforma Penal) and reorganization, professionalization and accountability of police forces have been only partially honored. The reform of the system of criminal justice is of paramount importance, because it is the only way to control the performance of judges, attorneys and police. However, lawyers, judges and attorneys are against the reform, because it would limit the corrupt practices they benefit from historically.

Economic growth has been slow and by mid-2012 the number of jobs in the formal sector of the economy has reached the level it had by the end of 2008. The lack of jobs has not been compensated by emigration, as it happened from 1995 to 2007, due to the crisis in the United States and the increasing rejection of illegal immigration in that country. Mexico is the second worst case of economic growth in Latin America in the period 2006-2011 (2% a year). Unemployment amongst the young (18 to 29 years old) is 25% the least, though official (and incredible) figures put it in 5%. Certainly, millions of young people work in the informal sector. They cannot give themselves the luxury of not working in a country that lacks safety nets. Some analysts think that, among others, this is one of the causes so many people have decided to work for the drug cartels.

Along the government of Felipe Calderón, some important legal reforms have been promoted in two areas: women’s rights and human rights more generally. New laws protecting women from domestic and gender violence have been approved, as well as laws that created “Women’s Institutes” at federal and state levels, which are supposed to help women to use the new laws. However, the new institutions lack enough resources and personnel to live up to their tasks. Notwithstanding, women’s rights have reached a level of visibility never achieved before, which is helping to accelerate a process of cultural change very much needed.

In June 2011 a broad constitutional reform was approved in matters of human rights. The language and conceptual framework for the protection and promotion of basic rights was modernized, abandoning the old, XIX siècle liberal concept of “individual guarantees”. The incorporation of the human rights language implies the acceptance as law of the land of all the international pacts signed by the national government on these matters. Judges are formally obliged now to guarantee above all the human rights of victims and perpetrators, which implies that they are forced to check the constitutionality of any action of the authorities. This conceptual change open the doors for the “judicialization” of the struggle for rights, something impossible in the previous legislation. In order to make these changes feasible, the reform of the justice system is of paramount importance.

The 2012 elections.

The combination of economic paralysis, generalized violence, political stalemate at national level, dedemocratization at state level all around the country and
deinstitutionalization of political parties constitutes the framework of the current presidential election in 2012.

The failure of the transition process to deliver at least an efficient government has created a profound feeling of frustration and a shared conviction, amongst both intellectuals and professional politicians, that chances for democratization have been missed. An incomplete process of transition to democracy and an almost failed state are the result of twelve years of competitive elections.

In this context, the likeliness of the PRI’s restoration grew. But this would not be the return to power of a renovated formerly authoritarian party, democratized by the process of transition, as some Eastern European transitions seem to suggest. The PRI remains the same. The party has come out in defense of the worse governors in Mexico’s recent history, and its cadres are the same as before. No generational change, no clear project, no new practices. Such a restoration would thus be a blow to years of democratic struggles.

The current electoral process seemed to have predefined results. The PRI’s candidate, Enrique Peña Nieto, had enjoyed an advantage of 25% in all the surveys up to the beginning of June. Peña Nieto, former governor of the state of México, the most populated of the country, built up a formidable electoral apparatus since the outset of his tenure as governor, six years ago. Mexico’s main media firm, TELEVISA, discovered early on the potential of a young, good-looking politician that combined the internal knowledge of the PRI’s traditions and practices with a sensitivity to adopt more modern concepts and attitudes. Peña and TELEVISA established a the facto alliance by means of which Peña was promoted in TV as if he were a kind of modernizing leader. Enormous amounts of money were paid by the State of México’s government to TELEVISA to perform such a task.

Andrés Manuel López Obrador was able to get a new chance as candidate of an alliance of left-wing parties, albeit several of their leaders considered that the younger and more modern technocrat Marcelo Ebrard, Chief of Government (Governor) of México City, would had been a better candidate. López started the campaign in third place, 30% behind Peña. To his merit, López had spent the past five years in a sort of permanent campaign, visiting all the municipalities of the country more than once in order to create a political machine called “Morena” (Movimiento de Reconstrucción Nacional). This movement had as only task to promote López Obrador future presidential candidacy and to guarantee that in the election process, the leader had a proper structure to watch over the polls and to stop any attempt of fraud.

The PAN went through a long a painful internal election in which Josefina Vázquez Mota, former Secretary of Education, achieved the presidential candidacy even though she was not President’s Calderón pick. But since the outset of her campaign, Josefina and her team made several mistakes, including a central one: they were unable to define a profile and a

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40 The governor of Puebla ordered the detention in another state of a human rights activist who had denounced one of the governor’s friends on charges of child abuse (Cacho, 2005). The scandal was enormous, yet the governor remains in office, defended by the PRI. The governor of Oaxaca is an even worse case.
project. The PAN’s internal cliques never overcame the division and mutual lack of trust that resulted from the internal selection process, and several new internal conflicts emerged in at least 10 states in the process of selection of candidates to senate and deputies posts.

Given the centralization of decisions in all parties, the candidates to the 300 seats in the Chamber of Deputies and to the 64 senate seats were designed by a small group of leaders, governors and influential entrepreneurs. The poor quality of most candidates is embarrassing, the good thing for them being that virtually nobody knows who they are.

The boring presidential campaign was shocked by a mistake made by Peña Nieto and his advisors on May 11th, 2012. Peña went to the Universidad Iberoamericana, an elite private school, where his team managed to fill half the conference room with people brought in from the state of México (acarreados), whose task was to celebrate the candidate’s speech. Students felt insulted and betrayed, and in response staged an in-campus protest, forcing Peña to run away in a ridiculous manner. But the PRI managed to get “positive” coverage of the event in the media, most of which ignored the protest and/or accused the students of being “manipulated” by López Obrador, or of not being students of the university at all.

The campaign #YoSoy132, carried out in social networks, was launched by 132 Iberoamericana students, who showed their student IDs and stated that they were real students and that they have the right to protest against the PRI’s candidate and the subsequent manipulation of information. Immediately thousands of students in Mexico City joined the virtual movement and organized several demonstrations against TELEVISA and the media in general. The Mexico City’s student movement turned into a national student movement in less than a week, in a completely decentralized manner, without visible leaders, whose agenda was the protest against PRI’s authoritarian practices, and against the media, seen as an ally of the former.

The media covered the student protests, given that its very legitimacy was at stake. By doing that, TELEVISA helped the movement to become even more visible, but the move didn’t stop the movement’s radical critique of the media. In late May and early June, the #YoSoy132 movement staged simultaneous mobilizations in at least 45 cities, something no political or social organization could do in Mexico. The viral national growth of the movement and its authoritarian character hit the PRI in an unforeseen manner.

Since mid-May Peña Nieto’s figures have gone down slowly, but constantly, whereas López Obrador’s have improved significantly. Josefina Vázquez, the PAN’s candidate, was unable to benefit from the student movement, given that her party is seen as a part of the establishment, not as an alternative.

At the time of the writing of this paper it is not clear what is going to happen, but the PRI looks desperate and it is incurring in all sort of bad old practices in order to “secure” the vote. Governors are ordering all functionaries to take in their hands the electoral operation in specific regions; leaders of corporate unions and peasant organizations are pressing their rank-and-file to make sure them and their families vote for the PRI. A market of votes is growing, with PRI and PAN agents offering from 50 to 100 dollars for vote in several regions of the country.
There is a growing feeling that this presidential election is a turning point in Mexico’s history. Let’s hope it is.
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